

Exhibit 1

COMMONWEALTH OF VIRGINIA



ARLINGTON CIRCUIT COURT
Civil Division
1425 NORTH COURTHOUSE RD
ARLINGTON VA
(703) 228-7010

Summons

To: NBCUNIVERSAL MEDIA LLC
SERVE: COMCAST BUILDING
30 ROCKEFELLER CENTER
NEW YORK NY 10112

Case No. 013CL18000728-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, March 15, 2018

Clerk of Court: PAUL F. FERGUSON

by


(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:

VIRGINIA:

IN THE CIRCUIT COURT FOR ARLINGTON COUNTY

FIDELIS AGBAPURUNOWU,

Plaintiff,

v.

NBC Subsidiary (WRC-TV), LLC
d/b/a NBC4 Washington

SERVE:

CT Corporation
1015 15th Street NW
Washington, DC 20005

and

NBCUniversal Media, LLC

SERVE:

Comcast Building
30 Rockefeller Center
New York, New York 10112

Defendants.

Case No. CL18-728

COMPLAINT

JURY TRIAL DEMAND

COMPLAINT

Plaintiff Fidelis Agbapuruonwu ("Plaintiff" or "Mr. Agbapuruonwu"), by counsel, moves this Court for entry of judgment in his favor against Defendants NBC Subsidiary (WRC-TV), LLC d/b/a NBC4 Washington ("NBC Washington") and NBCUniversal Media, LLC ("NBCUniversal"), and in support of such complaint alleges and avers as follows:

NATURE OF ACTION

1. This action states claims of defamation *per se* in violation of Virginia common law and statutory insulting words in violation of Section 8.01-45 of the Code of Virginia.

PARTIES

2. Mr. Agbapurunowu is a resident of the Commonwealth of Virginia who resides in Arlington, VA.

3. NBC Washington is a limited liability company with its principal place of business in the District of Columbia. NBC Washington operates the television station WRC (a.k.a. "WRC-TV" or "WRC 4") which broadcasts news programming in Washington, D.C., Virginia, and Maryland.

4. NBCUniversal is a limited liability company and multinational media conglomerate headquartered in New York, New York. NBCUniversal owns and operates the television station NBC Washington and owns and operates NBC Washington's related website, www.nbcwashington.com.

5. With respect to all acts and omissions alleged herein, NBC Washington and NBCUniversal acted in combination as each other's representatives or agents and are collectively referred to herein as "the Defendants."

JURISDICTION AND VENUE

6. This Court has personal jurisdiction over Defendants because Defendants regularly conduct business within this judicial district.

7. Specifically, NBC Washington is a local affiliate of NBCUniversal that broadcasts throughout northern Virginia and regularly reports on events occurring within northern Virginia.

8. Venue is proper in this Court under Section 8.01-262 of the Code of Virginia because Defendants regularly conduct business within this judicial district and the majority of the events giving rise to this action took place within this judicial district.

BACKGROUND

Plaintiff's Career and Financial Status

9. Mr. Agbapuruonwu received the Paul and Daisy Soros Fellowship in 2001 and graduated from Ohio State University's Moritz College of Law in 2002.

10. Mr. Agbapuruonwu worked as an Associate at the law firm Mayer Brown, LLP ("Mayer Brown") in Washington, D.C. from 2006 until June 2011.

11. In mid-2011, Mr. Agbapuruonwu stopped practicing law and started his own business, Fidecath Group LLC.

12. Prior to the events giving rise to this lawsuit, Plaintiff had a good reputation within the community in which he resides and the various locations in which he transacts business on behalf of Fidecath Group LLC.

Criminal Charges Against Plaintiff's Wife

13. In late 2016, Plaintiff and his wife, Helen Agbapuruonwu ("Mrs. Agbapuruonwu"), were contacted by an investigator from the Arlington County Police Department seeking information related to Mrs. Agbapuruonwu's filings for welfare benefits over the past five (5) years.

14. Plaintiff cooperated fully with investigators and provided them with the information sought.

15. On March 7, 2017, Mrs. Agbapuruonwu was arrested by the Arlington County Police based on four (4) charges of welfare fraud in violation of Section 63.2-522 of the Virginia Code.

16. The charges of welfare fraud against Mrs. Agbapuruonwu were related to filings for benefits she made in February 2014, January 2015, and twice in March 2015.

17. No charges were filed against Plaintiff.

18. Plaintiff was not, and has never been, under investigation by the Arlington County Police.

NBC Washington's Coverage of the Charges Against Mrs. Agbapuruonwu

19. On or about March 10, 2017, Defendants published an article (the "article") and aired a news report (the "report") about Mr. Agbapuruonwu and his wife titled "Virginia Woman Charged with Welfare Fraud for Collecting Benefits While Husband Earned Millions".

20. Defendants aired the report on NBC Washington's "News4" local news television program.

21. An online version of the report was, and as of the date of this filing still is, embedded in the article published online on NBC Washington's website.¹

22. Both the report, attached hereto as Exhibit A, and the article, attached hereto as Exhibit B, contain false factual information concerning Mr. Agbapuruonwu.

23. Defendants stated that Mr. Agbapuruonwu made "more than a million dollars last year." Ex. A at [0:09 – 0:13].

24. Defendants statement is false, as Mr. Agbapuruonwu did not make anywhere near to one million dollars in annual personal income in 2016 or at any point in his life.

25. Defendants omit the fact that Plaintiff had participated in the investigation that led to the charges against his wife.

26. Defendants omit the fact that Plaintiff was not suspected by the Arlington County Police of having participated in the crimes alleged against his wife or any related criminal activity.

¹ The report and the article are available online at <https://www.nbcwashington.com/news/local/Virginia-Woman-Charged-With-Welfare-Fraud-For-Collecting-Benefits-While-Husband-Earned-Millions-415923183.html>

27. Defendants omit the fact that Plaintiff has not been charged with any crime.

28. The report and the article contained an image of Plaintiff's LinkedIn profile bearing his full name, professional history, and a photograph of Plaintiff.

29. Defendants displayed the image of Plaintiff's LinkedIn profile immediately after the mug shot of Plaintiff's wife taken upon her arrest.

30. Defendants describe Plaintiff as no longer working for Mayer Brown but omit the fact that he has not worked at the firm since 2011.

31. Defendants stated that "Court officials write, quote, husband is believed to have fled the country and is somewhere in Africa." Ex. A at [1:29 – 1:35].

32. Mr. Agbapuruonwu was present in the United States for months prior to the publication of the report and the article, at the time of the publication of the report and the article, and for months following publication.

33. Mr. Agbapuronwu was available for comment, but Defendants did not seek comment from him.

34. Mr. Agbapuronwu did not leave the United States from November 2016 until September 2017.

35. Mr. Agbapuruonwu left the United States on these occasions for business-related purposes.

36. Defendants omitted from their article the fact that Mr. Agbapuruonwu frequently travels outside of the country for business-related purposes.

37. Defendants displayed an image of a partial court document as the public record they relied upon for the false factual information contained in their news article.

38. The report and the version of the report embedded in the online article show a close-up view of the document that robs the document of its context and creates false and defamatory implications about Mr. Agbapuruonwu.

39. The image of the court document displayed by Defendants omits the title of the document and the name and signature of the court official by whom the document is signed.

40. Defendants omitted the fact that this document did not arise from a public hearing.

41. Defendants omitted the fact that this document was a memorandum prepared by a magistrate for the General District Court of Arlington County concerning Mrs. Agbapuruonwu's request for a court appointed attorney.

42. Defendants did not accurately portray the information contained within the document, which states that Mrs. Agbapuruonwu's "Husbands [sic] business grossed over 1.5 million last year."

43. Defendants described this figure as Plaintiff's personal earnings rather than the gross earnings of the business owned by Plaintiff.

44. Defendants display an image of Plaintiff's home in Arlington that he shares with his wife and four children.

45. Defendants' news article showed a reporter knocking on the door of Plaintiff's home and stated that no one answered the door.

46. The image of Plaintiff's home expands to show the area in which the Agbapuruonwu's reside with the house number written clearly on the front door of their residence.

47. The article contained similar false factual information concerning Mr. Agbapuruonwu.

48. The article states, “Court officials believe [Mr. Agbapuruonwu], a Nigerian immigrant, has ‘fled the country and is somewhere in Africa.’” Ex. B.

49. The article further states, “While [Mrs. Agbapuruonwu] was collecting benefits, her husband, Fidelis Agbapuruonwu, was earning \$1.5 million per year as a lawyer, according to court documents obtained by News4.” Ex. B.

50. The clear implication from the false factual information and omission of material facts in Defendants’ news article was that Mr. Agbapuronwu was guilty of criminal conduct and had fled the country to avoid prosecution, leaving behind his wife and children.

51. The omissions in Defendants’ news article further implied that Mr. Agbapuronwu had not left his position at Mayer Brown voluntarily more than five years prior, but instead was terminated or resigned due to the criminal charges pending against his wife.

Plaintiff’s Request for Retraction of False Information

52. On February 21, 2018, Plaintiff, through counsel, sent a letter to NBC Washington requesting a retraction of the false information published in their March 10, 2017 news article.

COUNT I
DEFAMATION *PER SE*
In Violation of Virginia Common Law
Against All Defendants

53. The allegations in the foregoing paragraphs are incorporated as if realleged herein.

54. Defendants published a news article containing false factual statements about Plaintiff.

55. Defendants published a news article that omitted material information about a public record.

56. Defendants broadcasted a news report containing false factual statements about Plaintiff.

57. Defendants broadcasted a news report that omitted material information about a public record.

58. Defendants failed to provide a fair and substantially accurate depiction of the proceeding from which the public record they relied upon for their news article and report arose.

59. The false factual statements and omission of material facts in Defendants' news article and report concerned Mr. Agbapuruonwu and damaged Mr. Agbapuruonwu's reputation.

60. The false factual statements and omission of material facts in Defendants' news article and report attributed to Mr. Agbapuruonwu the commission of criminal offenses involving moral turpitude, including fraud and evasion from law enforcement.

61. The false factual statements and omission of material facts in Defendants' news article and report attributed to Mr. Agbapuruonwu unfitness for a job or lack of integrity, as the news article implied Mr. Agbapuruonwu had acted in a manner that made him unfit for his position as an Associate Attorney at Mayer Brown.

62. Defendants made these statements with the knowledge they were false and made them so recklessly as to amount to a willful disregard for the truth.

63. As a direct and proximate cause of Defendants' statements, Plaintiff has incurred damage to his personal and business reputation, humiliation, embarrassment, and mental anguish.

64. Defendants' made these statements with such reckless indifference that they amount to a willful disregard for Plaintiff's life, liberty, and pursuit of happiness.

65. Plaintiff has been subjected to multiple threats to his personal safety following the publication of Defendants' news article and based upon the false factual information and omission of material facts contained therein.

COUNT II
INSULTING WORDS
In Violation of Section 8.01-45 of the Code of Virginia

66. The allegations in the foregoing paragraphs are incorporated as if realleged herein.

67. Defendants' verbal and written statements in their news article and report implied a false accusation of criminal conduct by Plaintiff.

68. Defendants' verbal and written false statements are of a nature that tends to violence or breach of the peace.

69. Defendants made these statements with the knowledge they were false and made them so recklessly as to amount to a willful disregard for the truth.

70. Defendants' verbal and written false statements did in fact lead to violence or breach of the peace as Plaintiff has been subjected to threats to his personal safety as a result of Defendants' statements.

71. Defendants' made these statements with such reckless indifference that they amount to a willful disregard for Plaintiff's life, liberty, and pursuit of happiness.

72. As a direct and proximate cause of Defendants' statements, Plaintiff has incurred damage to his personal and business reputation, humiliation, embarrassment, and mental anguish.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff FIDELIS AGBAPURUONWU requests that this Court enter judgment in his favor, and against Defendants NBC Washington and NBCUniversal on all Counts and:


- (a) Award Mr. Agbapuruonwu compensatory damages in the amount of three million (\$3,000,000.00) dollars, plus past and future pecuniary damages on each of the above-stated Counts; and in addition
- (b) Award Mr. Agbapuruonwu punitive damages in the amount of three-hundred thousand (\$300,000.00) dollars as to each of his above-stated Counts; and in addition
- (c) Award Mr. Agbapuruonwu attorneys' fees, expert fees, and costs of this action as may be permitted by law; and in addition
- (d) Award Mr. Agbapuruonwu such other and further relief as may be appropriate.

JURY DEMAND

PLAINTIFF FIDELIS AGBAPURUONWU DEMANDS A TRIAL BY JURY.

Dated: March 9, 2018

Respectfully,



Joshua Erlich, VA Bar No. 81298
Davia Craumer, VA Bar No. 87426
Katherine Herrmann, VA Bar No. 83203

THE ERLICH LAW OFFICE, PLLC
2111 Wilson Blvd., Ste. 700
Arlington, VA 22201
Tel: (703) 791-9087
Fax: (703) 722-8114
Email: jerlich@erlichlawoffice.com
dcraumer@erlichlawoffice.com
kherrmann@erlichlawoffice.com

VIRGINIA:

IN THE CIRCUIT COURT FOR ARLINGTON COUNTY

FIDELIS AGBAPURUNOWU,

Plaintiff,

v.

NBC Subsidiary (WRC-TV), LLC
d/b/a NBC4 Washington

SERVE:

CT Corporation
1015 15th Street NW
Washington, DC 20005

and

NBCUniversal Media, LLC

SERVE:

Comcast Building
30 Rockefeller Center
New York, New York 10112

Defendants.

Case No. CL18000728-00


PRAECIPE

Counsel for Plaintiff Fidelis Agbapuruonwu submits the attached digital video recording stored in mp4 format on a flash or "thumb" drive, as described in Exhibit A to Plaintiff's Complaint, to be considered as a part of the record in this matter.

A placeholder exhibit was initially filed with the Complaint on March 9, 2018. Plaintiff now submits the physical item on which the video file is stored.

Dated: June 15, 2018

By:


Joshua Erlich (VA Bar No. 81298)
THE ERLICH LAW OFFICE, PLLC
2111 Wilson Blvd., Ste. 700
Arlington, VA 22201

Tel: 703-791-9087
Fax: 703-722-8114
Email: jerlich@erlichlawoffice.com

CERTIFICATE OF SERVICE

The Complaint in this matter has not yet been served and service of the foregoing Praecipe, filed with the Court on June 15, 2018, is not required on any party.

By: 

Joshua Erlich (VA Bar No. 81298)
THE ERlich LAW OFFICE, PLLC
2111 Wilson Blvd., Ste. 700
Arlington, VA 22201
Tel: 703-791-9087
Fax: 703-722-8114
Email: jerlich@erlichlawoffice.com